

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

Plaintiff,

v.

AMERICAN SOCIETY OF COMPOSERS,  
AUTHORS AND PUBLISHERS,

Defendant.

In the matter of the Application for the  
Determination of Reasonable License Fees for  
Performances via Wireless and Internet  
Transmissions by

YOUTUBE, LLC

Civil Action No. 41-1395 (WCC)

**MOTION TO ADMIT COUNSEL  
PRO HAC VICE**

FILED  
U.S. DISTRICT COURT  
S.D. OF N.Y. W.D.  
JUN 27 P 2 31

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, Kenneth L. Steinthal of Weil, Gotshal & Manges LLP, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission pro hac vice of

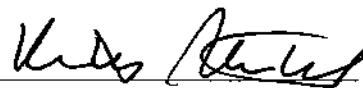
DANA K. POWERS  
Weil Gotshal & Manges LLP  
201 Redwood Shores Parkway  
Redwood Shores, CA 94065  
Phone: (650) 802-3994  
Fax: (650) 802-3100

DANA K. POWERS is a member in good standing of the State Bar of California and the bar of the United States District Court for the Northern District of California. There are no pending disciplinary proceeding against Dana K. Powers in any State or Federal court.

Date: June 4, 2009  
New York, New York

Respectfully Submitted,

**WEIL, GOTSHAL & MANGES LLP**

By: 

Kenneth L. Steinthal

Bar No: 1566199

Weil, Gotshal & Manges LLP

767 Fifth Avenue

New York, NY 10153

Phone: (212) 310-8622

Fax: (212) 310-8007

*Attorney for YOUTUBE, LLC*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

Plaintiff,

v.

AMERICAN SOCIETY OF COMPOSERS,  
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Defendant.

Civil Action No. 41-1395 (WCC)

**AFFIDAVIT OF  
KENNETH L. STEINTHAL  
IN SUPPORT OF MOTION  
TO ADMIT COUNSEL  
PRO HAC VICE**

In the matter of the Application for the  
Determination of Reasonable License Fees for  
Performances via Wireless and Internet  
Transmissions by

YOUTUBE, LLC

STATE OF NEW YORK

)

) ss.:

COUNTY OF NEW YORK

)

KENNETH L. STEINTHAL, being duly sworn, hereby deposes and says as follows:

1. I am a partner at Weil, Gotshal & Manges LLP in New York, New York, counsel to Applicant YouTube, LLC in the above captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Applicant's motion to admit Dana K. Powers as counsel pro hac vice to represent YouTube in this matter.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in January 1979. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. I have known Dana K. Powers since September 10, 2007.
4. Mr. Powers is an attorney at Weil, Gotshal & Manges LLP in Redwood Shores, California.
5. I have found Mr. Powers to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.
6. Accordingly, I am pleased to move the admission of Dana K. Powers, *pro hac vice*.
7. I respectfully submit a proposed order granting the admission of Dana K. Powers, *pro hac vice*, which is attached hereto as Exhibit A.

**WHEREFORE** it is respectfully requested that the motion to admit Dana K. Powers, *pro hac vice*, to represent Applicant YouTube, LLC in the above captioned matter, be granted.

Date: June 4, 2009  
New York, New York

Respectfully submitted,

  
Kenneth L. Steinthal

Notarized:

\* See attached CA Jurat w/ Affiant Statement.

**CALIFORNIA JURAT WITH AFFIANT STATEMENT**

- ☒ See Attached Document (Notary to cross out lines 1-6 below)  
☐ See Statement Below (Lines 1-5 to be completed only by document signer[s], *not* Notary)

\_\_\_\_\_  
 Signature of Document Signer No. 1

\_\_\_\_\_  
 Signature of Document Signer No. 2 (if any)

State of California

County of San Mateo

Subscribed and sworn to (or affirmed) before me on this

6<sup>th</sup> day of June, 2009, by  
Date Month Year

(1) Kenneth L. Steinthal  
Name of Signer

proved to me on the basis of satisfactory evidence  
 to be the person who appeared before me (.) X

(and

(2) \_\_\_\_\_  
Name of Signer

proved to me on the basis of satisfactory evidence  
 to be the person who appeared before me.)

Signature Danielle Delorio  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

*Though the information below is not required by law, it may prove  
 valuable to persons relying on the document and could prevent  
 fraudulent removal and reattachment of this form to another document.*

**Further Description of Any Attached Document**

Title or Type of Document: Affidavit of Kenneth Steinthal

Document Date: June 4, 2009 Number of Pages: 2

Signer(s) Other Than Named Above: n/a

RIGHT THUMBPRINT  
 OF SIGNER #1  
 Top of thumb here

RIGHT THUMBPRINT  
 OF SIGNER #2  
 Top of thumb here



# Supreme Court of California

FREDERICK K. OHLRICH

*Clerk of the Court*

## CERTIFICATE OF THE CLERK OF THE SUPREME COURT

OF THE

STATE OF CALIFORNIA

**DANA PRESCOTT KENNEDY POWERS**

*I, FREDERICK K. OHLRICH, Clerk of the Supreme Court of the State of California, do hereby certify that **DANA PRESCOTT KENNEDY POWERS** was on the 7th day of December 2007 duly admitted to practice as an attorney and counselor at law in all the courts of this state; and that her name now appears on the Roll of Attorneys as a member of the bar of this state in good standing.*

*Witness my hand and the seal of the court,  
this 1st day of June, 2009.*

FREDERICK K. OHLRICH

*Clerk of the Supreme Court*

By

A handwritten signature in cursive script, reading "Joseph Cornetta".

*Joseph Cornetta, Deputy Clerk*

# *Certificate of Good Standing*

*United States of District Court* )

) ss.

*Northern District of California* )

*I, Richard W. Wicking, Clerk of the United States District Court for the Northern District of California, do hereby certify that Dana Prescott Kennedy Powers, Bar No. 252159 was duly admitted to practice in said Court on June 25, 2008, and is in good standing as a member of the bar of said Court.*

*Dated at San Francisco on June 23, 2009*

*Richard W. Wicking*  
*Clerk*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

Plaintiff,

v.

AMERICAN SOCIETY OF COMPOSERS,  
AUTHORS AND PUBLISHERS,

Defendant.

Civil Action No. 41-1395 (WCC)

**ORDER FOR ADMISSION PRO  
HAC VICE ON WRITTEN  
MOTION**

In the matter of the Application for the  
Determination of Reasonable License Fees for  
Performances via Wireless and Internet  
Transmissions by

YOUTUBE, LLC

Upon the motion of Kenneth L. Steinthal, and said sponsor attorney's affidavit in support;

**IT IS HEREBY ORDERED** that

Applicant's Name:	Dana K. Powers
Firm Name:	Weil, Gotshal & Manges LLP
Address:	201 Redwood Shores Parkway
City/State/Zip:	Redwood Shores, CA 94065
Phone:	(650) 802-3994
Fax:	(650) 802-3100
E-mail:	dana.powers@weil.com

is admitted to practice pro hac vice as counsel for YouTube, LLC in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF)



system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the pro hac vice fee to the Clerk of Court.

Dated:  
New York, New York

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United States District/Magistrate Judge

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY THAT ON June 5, 2009, a true and correct copy of the Motion to Admit Counsel Pro Hac Vice, Affidavit of Kenneth L. Steinthal in Support of Motion for Admission Pro Hac Vice, and Order for Admission Pro Hac Vice on Written Motion was served upon the following individuals in the manner(s) indicated below:

**BY U.S. Mail, First Class Postage Prepaid:**

Christopher Glancy  
Catherine Gratton  
Stefan Mentzer  
WHITE & CASE LLP  
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*Counsels for ASCAP*

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*Counsels for ASCAP*

  
\_\_\_\_\_  
Mimi Mentzer  
Weil, Gotshal & Manges LLP